

DENTAL BOARD[650]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 147.80 and 272C.6, the Dental Board hereby amends Chapter 15, “Fees,” Iowa Administrative Code.

These amendments update the definition of “fee” to reflect the definition of “overpayment” provided in Chapter 1.

These amendments reduce the total back renewal fees owed for the reinstatement of a lapsed dental assistant registration, and eliminate the fee for notification of public orders if provided via email.

These amendments clarify the types of items available for purchase and the formats in which the items may be provided. These amendments update the types of data provided in the standard mailing and data lists. These amendments also seek to clarify the types of costs that may be recovered following a disciplinary hearing.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 5, 2017, as **ARC 3156C**. A public hearing was held on July 27, 2017, at 2 p.m. at the office of the Iowa Dental Board. There were not any attendees at the public hearing, nor were any written comments received. Due to further discussion by staff, a change has been made to the definition of “fee” to better address the issue of overpayment. Also, cross references in Item 3 have been updated to reflect the renumbering of rules 650—15.3(153) to 650—15.14(17A,147,153,272C) in **ARC 3488C**, published herein.

The Board reviewed and discussed the amendments during its October 13, 2017, open session Board meeting and, after allowing additional comments from the public, adopted the amendments.

These amendments are not subject to waiver or variance pursuant to 650—Chapter 7.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 147.80 and 272C.6.

These amendments will become effective January 10, 2018.

The following amendments are adopted.

ITEM 1. Amend rule 650—15.2(147,153) as follows:

650—15.2(147,153) Definitions. The following definitions apply to this chapter:

“*Fee*” means the amount charged for the services described in this chapter. All fees are nonrefundable. ~~The board office will refund any overpayment of fees.~~ Overpayment of the fee will result in return of the original request and payment, prior to processing, with a clarification of the total amount due.

“*Service charge*” means the amount charged for making a service available online and is in addition to the actual fee for a service itself. For example, a licensee who renews a license online will pay the license renewal fee and a service charge.

ITEM 2. Amend subrule 15.3(8) as follows:

15.3(8) Reinstatement of ~~an inactive~~ lapsed license or registration. The fee for a reinstatement application for a lapsed license or registration is \$150.

ITEM 3. Amend rule 650—15.6(147,153) as follows:

650—15.6(147,153) Reinstatement fees. If a license, registration or permit lapses or is inactive, a licensee, registrant or permit holder may submit an application for reinstatement. Licensees, registrants or permit holders are subject to reinstatement fees as described in this rule.

15.6(1) Reinstatement of a dental license. In addition to the reinstatement application fee specified in ~~15.3(8)~~ subrule 15.4(8), the applicant must pay all back renewal fees (not to exceed \$750) and the fee for evaluation of a fingerprint packet and criminal background check as specified in ~~15.7(4)~~ subrule 15.8(4).

15.6(2) Reinstatement of a dental hygiene license. In addition to the reinstatement application fee specified in ~~15.3(8)~~ subrule 15.4(8), the applicant must pay all back renewal fees (not to exceed \$750) and the fee for evaluation of a fingerprint packet and criminal background check as specified in ~~15.7(4)~~ subrule 15.8(4).

15.6(3) Reinstatement of a dental assistant registration. In addition to the reinstatement application fee specified in ~~15.3(8)~~ subrule 15.4(8), the applicant must pay all back renewal fees (not to exceed \$750 \$115) to reinstate a registration as a registered dental assistant.

15.6(4) Combined reinstatement application—dental assistant registration and qualification in radiography. ~~The fee~~ In addition to the reinstatement application fee specified in subrule 15.4(8), the applicant must pay all back renewal fees (not to exceed \$175) for a combined application to reinstate both a registration as a registered dental assistant and a radiography qualification ~~is specified in 15.3(8).~~

15.6(5) Reinstatement of qualification in radiography. In addition to the reinstatement application fee ~~specified in 15.3(8)~~ of \$40, the applicant must pay all back renewal fees (not to exceed \$750 \$60) to reinstate a qualification in dental radiography without registration as a dental assistant.

ITEM 4. Amend subrule 15.7(2) as follows:

15.7(2) Certification or verification. The fee for a written certification or written verification of an Iowa license, permit or registration is \$25.

ITEM 5. Amend subrule 15.7(7) as follows:

15.7(7) Disciplinary hearings—fees and costs.

a. No change.

b. The board may charge a fee not to exceed \$75 for conducting a disciplinary hearing which results in disciplinary action taken against the licensee by the board. In addition to the fee, the board may recover from the licensee costs for the following procedures and personnel:

(1) ~~Transcript~~ Court reporter and transcript.

(2) Witness fees and expenses. The parties in a contested case shall be responsible for any witness fees and expenses incurred by witnesses appearing at the contested case hearing. In addition, the board may assess a licensee the witness fees and expenses incurred by witnesses called to testify on behalf of the state of Iowa.

(3) Depositions. Deposition costs for the purposes of allocating costs against a licensee include only those deposition costs incurred by the state of Iowa. The licensee is directly responsible for the payment of deposition costs incurred by the licensee.

(4) Medical examination fees incurred relating to a person licensed under Iowa Code chapter 147. All costs of physical or mental examinations or substance abuse evaluations or drug screening or clinical competency evaluations ordered by the board pursuant to Iowa Code section 272C.9(1) as part of an investigation or pending complaint or as a sanction following a contested case shall be paid directly by the licensee.

ITEM 6. Adopt the following **new** subrules 15.7(8) to 15.7(11):

15.7(8) Certification of reimbursable costs. The executive director or designee shall certify any reimbursable costs incurred by the board. The executive director shall calculate the specific costs, certify the cost calculated, and file the certification as part of the record in the contested case. A copy of the certification shall be served on the party responsible for payment of the certified costs at the time of the filing.

15.7(9) Assessment of fees and costs. A final decision of the board imposing disciplinary action against a licensee shall include the amount of any disciplinary hearing fee assessed, which shall not exceed \$75. If the board also assesses reimbursable costs against the licensee, the board shall file a certification of reimbursable costs which includes a statement of costs delineating each category of costs and the amount assessed. Fees and costs that cannot be calculated at the time of the issuance of the board's final disciplinary order may be invoiced to the licensee at a later time, provided the board's final disciplinary order states that the fees and costs will be invoiced at a later date. The board shall specify the time period in which the fees and costs must be paid by the licensee.

15.7(10) Board treatment of collected fees, costs. Fees and costs collected by the board shall be considered repayment receipts as defined in Iowa Code section 8.2.

15.7(11) Failure to pay assessed fees, costs. Failure of a licensee to pay the fees and costs assessed herein within the time period specified in the board's final disciplinary order shall constitute a violation of an order of the board and shall be grounds for disciplinary action.

ITEM 7. Amend subrule 15.10(3) as follows:

15.10(3) Electronic files of statements of charges, final orders and consent agreements from each board meeting ~~delivered via e-mail may be available for an annual subscription fee of \$24 delivered via email, upon written request, at no cost.~~

ITEM 8. Amend rule 650—15.11(22,147,153) as follows:

650—15.11(22,147,153) Purchase of a mailing list or data list. Payment made to the Iowa Dental Board, which shall be considered a repayment receipt as defined in Iowa Code section 8.2, shall be received in the board office prior to the release of a list.

15.11(1) Mailing list for dentists, hygienists or assistants. The standard mailing list for all active ~~dental and dental hygiene licensees and dental assistant licensees~~ and registrants includes the full name, address, city, state, ~~and ZIP code, and Iowa county.~~ The standard mailing list of dentists or dental hygienists ~~does not include~~ includes resident licensees ~~or~~ and faculty permit holders.

- a. Printed mailing list, \$65 per profession requested.
- b. Mailing list on disc or DVD, \$45 per profession requested.
- c. Mailing list in an electronic file, \$35 per profession requested.

15.11(2) Data list for dentists, hygienists, or assistants. The standard data list for active licensees or registrants includes full name, address, Iowa county (if applicable), original issue date, expiration date, license or registration number, ~~and~~ license or registration status, specialty (if applicable), and whether public disciplinary action has been taken. The standard data list includes resident licensees and faculty permit holders. Additional data elements, programming or sorting increases the following fees by \$25.

- a. Printed standard data list, \$75 per profession requested.
- b. Standard data list on disc or DVD, \$55 per profession requested.
- c. Standard data list in an electronic file, \$45 per profession requested.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/6/17.